

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 4 "OVERLAY DISTRICTS", OF CHAPTER 4, "DISTRICT REGULATIONS" TO ADD A NEW SECTION, SECTION 4.406, "TCU RESIDENTIAL OVERLAY"; PROVIDING REGULATIONS FOR TCU RESIDENTIAL OVERLAY ZONE ("TCU"); AMENDING CHAPTER 9, "DEFINITIONS" TO AMEND THE DEFINITION OF "FRATERNITY" AND ADD A DEFINITION FOR "UNRELATED" AND PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Worth has many unique and distinctive residential neighborhoods which contribute significantly to the overall character and identity of the city; and

WHEREAS, as provided under Section 211.004(a) of the Texas Local Government Code, the City's single family-residential use zoning districts are established upon legislative determination that zoning regulations promote "health and general welfare; less congestion in the streets; prevent the overcrowding of land and avoid undue concentration of population," are well expected to be somewhat permanent and are in conformance with the City's Comprehensive Plan; and

WHEREAS, the Council of the City of Fort Worth notes that the Comprehensive Plan calls for maintaining the stability of the City's neighborhoods by encouraging new, higher density, residential development along the City's transit and commercial corridors; and

WHEREAS, stabilizing the City's established neighborhoods is intended to preserve and strengthen the quality of life within and the sustainability of the City's range of neighborhoods; protect public and private investments by ensuring the vitality and stability within the City's range of neighborhoods; and enhance the character and desirability of and housing choice within the City as a whole; and

WHEREAS, within the City there are nine colleges and universities including Texas Christian University ("TCU") which is the City's largest university having as of Fall, 2014, 9,925 students enrolled; and

WHEREAS, TCU presently houses 48.3% of its student body on-campus, the remaining 5,865 students live off-campus, generally around the campus as depicted on Exhibit B.32, attached; and

WHEREAS, the City Council notes that the area surrounding the TCU campus is predominately one- and two-family, low density residential zoning; and

WHEREAS, the City Council is aware that with increasing frequency that one-family homes in the established neighborhoods surrounding TCU are purchased by real estate investors or parents of TCU students, for the purpose of providing housing for students; and

WHEREAS, owner-occupied residents have expressed concerns about problems associated with the high concentration of housing occupied by unrelated persons including students in established neighborhoods, including but not limited to overcrowding in structures containing four or more bedrooms and four or more bathrooms, excessive vehicular traffic, increased on-street and off-street demand for parking on residential streets, the transient character of unrelated tenants, lack of maintenance of structures and their grounds, noise and other nuisance conditions such as litter and parties; and

WHEREAS, the City Council recognizes the need to preserve, protect, and enhance the value of these areas and wished to provide a means of conserving the distinctive atmosphere or character of areas by protecting or enhancing the single family residential character through the establishment of a residential district overlay within the area surrounding Texas Christian University (TCU); and

WHEREAS, the creation of a TCU Residential Overlay District will protect the single family residential character of the neighborhood surrounding TCU, while permitting the residence of students “off-campus” proximate to the university, to protect the character of the area, and to diminish those influences which infringe on the quiet enjoyment of single family residences, such as noise, litter, overcrowding, additional parking needs, and lack of maintenance of structures and their grounds; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF FORT WORTH, TEXAS**

SECTION 1.

Chapter 4 “District Regulations” is amended to add a new section, Section 4.406. “TCU Residential Overlay” (“TCU”) District, to provide development standards and guidelines for the TCU Residential Overlay District to read as follows:

Sec. 4.406. – TCU Residential ("TCU") overlay district.

A. Purpose and intent.

The purpose of the TCU Residential Overlay Zoning District is to facilitate preservation of existing single-family residential neighborhoods by establishing limitations and special requirements on property uses within the area that are inconsistent with the underlying zoning and original construction thereof by providing a mechanism for making such inconsistent uses compatible.

B. Applicability.

The requirements set forth in this section shall only apply to single-family zoned property located within the boundaries of the TCU Residential Overlay District. These requirements should be applicable in addition to any other requirement set forth in the Zoning Ordinance or any other section of the Fort Worth City Code. Should a requirement set forth in this section conflict with another requirement set forth in the zoning ordinance, the requirement set forth in this section shall supersede the zoning requirement to the extent of such inconsistency.

C. Boundaries. The specific boundaries of the TCU Residential Overlay District are shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.32.

D. Zoning classification.

1. TCU Residential Overlay District. The TCU Residential Overlay District is designed as an overlay to the base zoning district. Property located within this zoning overlay must also be designated as being within one of the base zoning districts. Permitted uses must be allowed in both the base zoning district and the overlay district and must comply with height, yard, area and parking requirements of the base zoning district.

2. Zoning designation. The zoning designation of the property located within the TCU Residential Overlay District shall consist of the base zoning symbol and the overlay symbol

as a suffix. For example, if a parcel is zoned "A-5" and is also located in the TCU Residential Overlay District, the zoning of the parcel would be "A-5/TCU."

E. Use Restrictions.

No more than three unrelated persons may occupy a single dwelling unit in the TCU Residential Overlay District unless the owner has registered as a legal non-conforming use by ~~December~~ March 31, 2015. When counting the number of unrelated persons in a single dwelling unit, ~~a family~~ persons related by blood, marriage or adoption shall count as one unrelated person, provided all other persons, ~~whether or not they may constitute a separate family unit,~~ shall each count as one unrelated person.

F. Discontinuance of Legal Non-conforming Use.

If a legal non-conforming use of a building or structure in the TCU Residential Overlay District is discontinued for a period of twelve consecutive months, it shall not thereafter be renewed, and any subsequent use of the building or structure shall conform, in all other respects, to the remaining use regulations of this section and the underlying base zoning district. Section 7.104, "Restoration of Partially Destroyed Building" of Chapter 7, "Nonconformities" shall also apply.

G. Procedure for Registering as Legal Non-conforming.

Owners of real property located within the TCU Residential Overlay District being used to rent to up to five unrelated persons as of August 25, 2014 or issued a building permit as of the effective day of this ordinance, may continue such use by registering as a legal non-conforming use on or before ~~December~~ March 31, 2014. Application for registering as a legal non-conforming use shall be made by submitting to the Planning and Development Department a completed application on a form approved for such purpose by the Planning and Development Director. Registration as a legal non-conforming use shall limit occupancy to the demonstrated preexisting density not to exceed five unrelated persons.

SECTION 2.

Chapter 9, "Definitions" is amended to revise the definition of "fraternity or sorority house" and to add a definition for "unrelated" to read as follows:

Fraternity or sorority house. The building where the local chapter of a nonprofit fraternity or sorority resides that is ~~containing the general facilities and sleeping rooms for members of a fraternity or sorority~~ used by the chapter as a residence and center of activities and operations for

its members and is recognized as the chapter's official physical building by the national/international organization and the college or university.

Unrelated means not related by blood, adoption or marriage.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a

violation exists shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 8.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 9.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____

Assistant City Attorney

Mary J. Kayser, City Secretary

ADOPTED: _____

EFFECTIVE: _____

DRAFT

AMORTIZATION OPTION

A. Purpose.

The purpose of the TCU Overlay Zoning District is to facilitate preservation of an existing single-family residential neighborhood by establishing limitations and special requirements on property uses within said area that are inconsistent with the underlying zoning and original construction thereof by providing a mechanism for making such inconsistent uses compatible and further providing for the amortization and elimination of such inconsistent uses when no practicable. Highlighted and underlined language to be added to Subsection A

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G. Procedure for Registering as Legal Non-conforming

Owners of real property located within the TCU Residential Overlay District being used to rent to up to five unrelated persons as of the day of passage of this ordinance, may continue such use on a temporary basis in accord with the amortization schedule set forth in the section below by registering as a legal non-conforming use on or before December 31, 2014. Application for registering as a legal non-conforming use shall be made by submitting to the Planning and Development Department a completed application on a form approved for such purpose by the Planning and Development Director. Registration as a legal non-conforming use shall limit occupancy to the demonstrated preexisting density up to the maximum of one unrelated person per bedroom, not to exceed five unrelated persons. All registrations as a legal non-conforming use shall expire in accordance with the amortization schedule set forth below. The highlighted and underlined language is to be added to Subsection G

New Subsection H to be added.

H. Amortization Schedule.

All properties registered as a legal nonconforming use shall have that status expire on December 31, 2029.

NO GRANDFATHERING OPTION
(NO LEGAL NONCONFORMING STATUS)

Amend Subsection F to read as follows:

F. All property owners renting to four or five unrelated persons shall come into compliance with the requirements of this section by June 1, 2016.

Delete Subsection G.

DRAFT

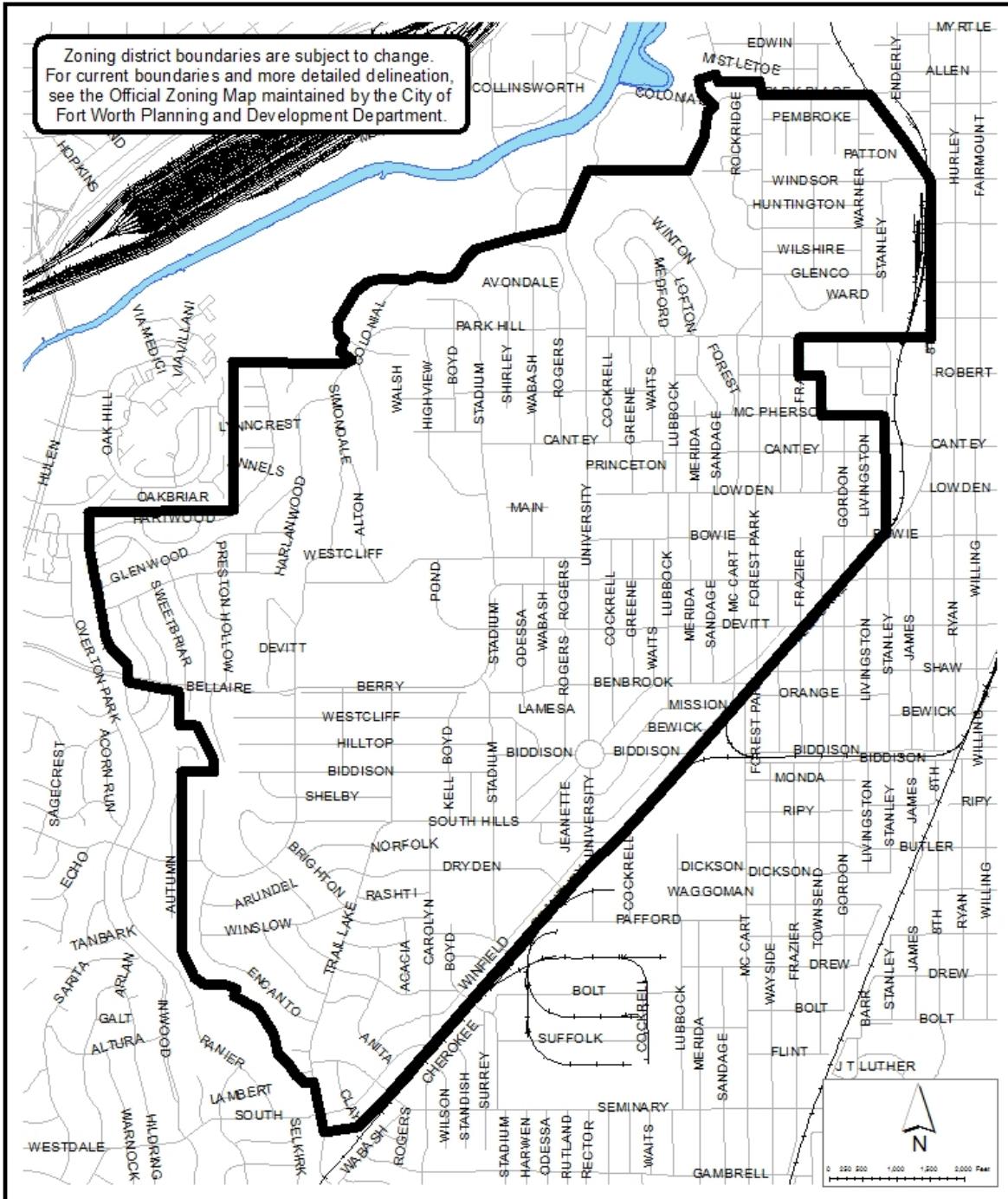


Exhibit B.32 (See Section 4.406)

TCU Residential Overlay Zone



Ordinance No. _____

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